IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NOS : 23994 of 2003

AND WRIT PETITION NO. 8546 OF 1997

-

WRIT PETITION NO. 23994 OF 2003.

Between:

Joint Action Forum of officers & Supervisors of Beverages Corporation ltd.,rep.by its General Secty.
R/o 2-2-1121/3 & 3A, flat No.403, Vikasini Apartments,
New Nallakunta, Hyderabad

..... PETITIONER

AND

1 The A.P.Beverages Corporation limited, rep.by its Managing Director,
R/o. 6th floor, 4-3-596/F, posnet Bhavan
Ramkote, Tilak Road, Hyderabad
2 The Govt.of A.P., rep.by its principal Secretary Revenue Department, A.P.Secretariat, Hyderabad
3 The Govt.of A.P., rep.by its Principal Secretary General Administration Department, A.P.Secretariat,Hyd.
4 S.M. Rajeswara Rao, S/o (late) S. Madhava Rao
R/o 3-4-803/1 &2, Hima Sai enclave Bharkthpura Hyderabad,
(R4 is impleated as for Court order dated 19-3-2004 in WPMP6286 of 2004)

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue an order, direction or writ particularly one in the nature of writ of Mandamus or any other appropriate writ (1) declaring the action of the Respondent Nos. 2 & 3 in filling up the posts of the Depot Managers through prohibition & Excise Superintendents is illegal and arbitrary (2) declaring the Memo No. 34205/Excise.I

(1)/2003-2, Dated 3-11-2003 issued by the first respondent is illegal and consequently set aside the same.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent No.: MR.G.MANOHAR

WRIT PETITION NO : 8546 of 1997

Between:

Officers Association of Andhra Pradesh Beverages Corporation Limited, Regd. No. 3949/90, having its office at 12-13-747, street No. 1, Kimtee Colony, Tarnaka, Secunderabad-500 017, Represented by its General Secretary Sri P.S.N. Chowdary.

..... PETITIONER

AND

1. The Chairman, A.P. Beverages Corporation Limited and the Principal Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat, Hyderabad-500 022

2. The Managing Director, A.P. Beverages Corporation Limited, NSF Building, Fatehmaidan Road, Hyderabad- 500 004.

3. Andhra Pradesh Prohibition and Excise Gazetted Officers Association, Hyderabad rep. By its General Secretary K. Yadagiri Reddy, Vittalwadi, Narayanaguda, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased (1) to direct the respondents to follow the service regulations of the Corporation strictly and grant all the benefits such as promotion, granting of increments, etc, to the employees of the Corporation (2) to promote all the Assistant Managers (Operations) who are eligible and due for promotion and fill up all the existing vacancies of Deputy Managers/District Managers and Managers and also to fill up the vacancies going to arise in future, by the Corporation employees only. (3) to stop bringing persons on deputation as District Managers/Assistant Managers etc., from other Departments to the Corporation and pass such other order or orders.

Counsel for the Petitioner:MR.G.VIDYASAGAR

Counsel for the Respondent No.: MR.G.MANOHAR RAO

The Court made the following :

ORDER:

Heard both sides and at their request both the Writ Petitions are taken up for disposal.

Petitioners herein are the Officers Association of Andhra Pradesh Beverages Corporation Limited and also Joint Action Forum of Officers and Supervisors of Beverages corporation Limited, who are seeking inter alia, for a Mandamus declaring the action of the respondents in not filling up the posts by way of promotion and also assailing the impugned action denying such avenues and for further direction to promote them to the next higher post in terms of the recommendations already given.

Though several contentions have sought to be urged across the bar from both sides, however, the fact remains that having regard to the earlier directions given by this court in more than one Writ Petitions, the matter has already been seized by the respondent-Government and recommendations and also claims have been framed and ultimately, the matter is sent to the Government on 7.4.2003 for approval. It is submitted that though the Corporation has come into existence for a quite long time, however, there are no rules in regard to the cadre strength and their service conditions and as a result of which, the employees of the Corporation, who are members of the petitioners' Association are put to greater hardship and for no fault of

them, they have also been denied various benefits including promotions etc.

Having taken into consideration the practicalities in regard to service conditions, more so, in view of the absence of very rules governing the same and especially recommendations made as long back as on 7.4.2003 and the same is pending consideration with the second respondent viz., Government of Andhra Pradesh, there is no reason as to why the same should be withheld any further. Therefore, it would suffice in the interest of justice, to give a direction to finalize the approval, so that the same can be implemented in all aspects.

In the circumstances, both the Writ Petitions are disposed of directing the respondents 2 and 3 to give finality to the approval in regard to the recommendations already made as long back as on 7.4.2003 and pass orders in accordance with law. The entire exercise shall be completed within a period of two months from the date of receipt of a copy of this order. It is needless to mention that in the event of any further delay, it shall be open for the petitioners to approach the respondents to effect the promotions on the basis of the scheme as subsisting. No costs.

_____ B. PRAKASH RAO, J

Dated:15.12.2004.

ka

To

1 The A.P.Beverages Corporation limited, rep.by its Managing Director, R/o. 6th floor, 4-3-596/F, posnet Bhavan Ramkote, Tilak Road, Hyderabad

2 The Govt.of A.P., rep.by its principal Secretary Revenue Department, A.P.Secretariat, Hyderabad

3 The Govt.of A.P., rep.by its Principal Secretary General Administration Department, A.P.Secretariat,Hyd.

4 S.M. Rajeswara Rao, S/o (late) S. Madhava Rao
R/o 3-4-803/1 &2, Hima Sai enclave Bharkthpura Hyderabad,
5. The Chairman, A.P. Beverages Corporation Limited and the Principal Secretary, Revenue Department, Government of Andhra Pradesh, Secretariat, Hyderabad-500 022.

6. **The Managing Director, A.P. Beverages Corporation Limited, NSF Building, Fatehmaidan Road, Hyderabad- 500 004.**

7. **Andhra Pradesh Prohibition and Excise Gazetted Officers Association, Hyderabad rep. By its General Secretary K. Yadagiri Reddy, Vittalwadi, Narayanaguda, Hyderabad.**

8. 2CD copies.